

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*J. Roberts  
Proc II  
8659*

FILE: B-192496

DATE: December 20, 1978

MATTER OF: Crislip Oak Products Company

*DL 00459*

**DIGEST:**

*[Failure of "Nonresponsible" Bidder to File Certificate of Competency Application with Small Business Administration]*

GAO will not review rejection of low small business bidder as nonresponsible where bidder fails to file Certificate of Competency application with Small Business Administration.

Crislip Oak Products Company protests the rejection of its low bid under solicitation No. AT/TC-18656 issued by the General Services Administration (GSA).

GSA's contracting officer initially determined Crislip to be nonresponsible after review of, and concurrence in, the negative recommendation of a Plant Facilities Report that found Crislip to be incapable of performing the contract. Because of Crislip's small business size status, the matter was referred to the Small Business Administration (SBA) for a determination as to whether a Certificate of Competency (COC) would be issued. Crislip failed to file an application for a COC and the SBA subsequently closed its file in the matter without issuance of such a certificate. As a result of the negative Plant Facilities Report, Crislip's failure to obtain a COC from the SBA, and further study of Crislip's financial capabilities, which the contracting officer found to be unsatisfactory, a formal determination of nonresponsibility was made and Crislip's bid was rejected. In addition, all other bids received were determined to be unreasonably high as to price and were rejected on that basis.

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It is the responsibility of the small business firm concerned to file a complete and acceptable COC application with the SBA in order to avail itself of the possible protection provided by statute and regulation against unreasonable determinations by contracting officers as to its responsibility. Greenbrier Industries, Inc., B-191380, April 24, 1978, 78-1 CPD 315. Under 15 U.S.C. § 637(b)(7) (1976), as amended by Pub. L. 95-89 § 501, 91 Stat. 561, August 4, 1977, the SBA has the conclusive authority to issue or deny a COC. Our Office has no authority to review an SBA determination, to require issuance of a COC, or to require reopening of a case when a COC has been denied. Marine Inventory Surveyors, B-193055, November 3, 1978, 78-2 CPD \_\_\_\_\_ and decisions cited therein. Moreover, where a firm does not file for a COC with SBA, we will not review the contracting officer's determination of nonresponsibility since such action, in effect, would amount to a substitution of this Office for the agency specifically authorized by statute to review such determinations. Jet International, Inc., B-191183, February 14, 1978, 78-1 CPD 125.

Although subsequent to the cancellation of the solicitation the protester has questioned the accuracy of the Plant Facilities Report, we see no need for this Office to resolve that issue in view of the protester's failure to pursue its administrative remedy with the SBA.

Accordingly, the protest is dismissed.



Milton J. Socolar  
General Counsel